IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY EIGHTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

And

THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 850 of 2005

Between:

P.Venkateswara Rao, S/o.Potha Raju, Pipe Line Fitter Grade-II,
Office of the Commissioner, Machilipatnam Municipality Krishna District.

..... PETITIONER

AND

1 State of Andhra Pradesh represented by its Principal Secretary to Government, Municipal Administration and urban Development Department, Secretariat, Hyderabad.
2 The Commissioner, Machilipatnam Municipality, Krishna District.
3 The Director of Municipal Administration Andhra Pradesh, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or direction more in the nature of writ of Certiorari calling for the order of the Hon'ble A.P. Administrative Tribunal Dt.3.1.2005 in O.A.No.6896 of 2004 and declare the same as illegal, bad and arbitrary insofar as it relates to in not suspending orders Dt.19.11.2004 and also declare Memo No.23759/VIG.IV.2/2004-3 dt.19.11.2004 and consequential Proceedings Roc No.9203/03/E1 dt.27.11.2004 as illegal, bad and arbitrary and accordingly quash the same and to pass such other order or orders.

Counsel for the Petitioner: MR.J.R.MANOHAR RAO

Counsel for the Respondent Nos.1 and 3: GP FOR SERVICES-I

Counsel for Respondent No.2: S.NAGESWARA REDDY

The Court made the following:

ORAL ORDER: (per GB.J.)

The interim order passed by A.P. Administrative Tribunal (for short Tribunal) in O.A.No.6896 of 2004, dated 3.1.2005, is assailed in this Writ Petition.

2. Before the Tribunal the petitioner challenged the validity of the order of suspension dated 19.11.2004 issued by the Government and also the consequential order issued by the 2nd respondent dated 27.11.2004. The Tribunal, after considering the matter, observed that the suspension is deemed to have come into effect only from 4.12.2004 onwards in view of the extension of time granted to the petitioner for submitting his explanation. The said order is assailed before this Court.

3. We have heard the learned counsel for the petitioner and the learned Government Pleader for Services-I for respondents 1 and 3 and Mr.S.Nageswara Reddy for 2nd respondent.

4. Since the very order of suspension is in challenge, the Tribunal has to decide the validity or otherwise of the order of suspension. The interim order passed by the Tribunal has no effect on the order of suspension, as the same was passed on 3.1.2005. Under those circumstances, while setting aside the interim order, we direct the Tribunal to dispose of O.A.No.6896 of 2004 within a period of three (03) weeks from the date of receipt of a copy of this order.

5. With the direction indicated above, the Writ Petition is disposed of. No costs.

G.BIKSHAPATHY, J.

28th January, 2005.

P.S.NARAYANA, J.

SSR

Issue copy in three days.

(BO)

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Principal Secretary to Government, Municipal Administration and Urban Development Department, State of Andhra Pradesh, Secretariat, Hyderabad.
2 The Commissioner, Machilipatnam Municipality, Krishna District.
3 The Director of Municipal Administration Andhra Pradesh, Hyderabad.

4 2 CCs to G.P. for Services-I, High Court of A.P. Hyderabad. (OUT)

5 2 CCs to Mr.S.Nageswara Reddy, Standing Counsel for R2, High

Court of A.P. Hyderabad. (OPUC)

6 2 CD copies.